

EXHIBIT 11

Additionally, I understand that the burden of introducing evidence of secondary considerations generally is on the patent owner.

E. Written Description Under 35 U.S.C. § 112, ¶ 1

34. I have been informed that the standard for satisfying written description with respect to a patent is that the patent specification reasonably conveys to a person having ordinary skill in the art that the inventor had possession of the subject matter of the claims as of the effective filing date.

VII. LEVEL OF SKILL IN THE ART

35. I understand that invalidity is evaluated from the perspective of a person of ordinary skill in the art to which the patent pertains at the time of the invention. I have been asked to assume that the relevant time period for my analysis of the Family 3 Patents is October 12, 2004, unless stated otherwise herein.

36. I understand that the person of ordinary skill in the art is identified by considering factors such as the education level of those working in the field, the sophistication of the technology, the types of problems encountered in the art, the prior art solutions to those problems, and the speed at which innovations are made may help establish the level of skill in the art.

37. In my opinion, with regard to the Family 3 Patents, a person of ordinary skill in the art (“POSA”) would have had at least a Bachelor’s degree in electrical engineering, or a related field, and at least 6–7 years of experience in telecommunications or a related field; a master’s degree in electrical or computer engineering, or the equivalent, and at least 4–5 years of experience in telecommunications or a related field; or a Ph.D. in electrical or computer engineering, or the equivalent, with at least 1–2 years of experience in telecommunications or a related field. A person with a different degree but with additional relevant experience could still qualify if the additional experience compensates for the different educational background.